

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN RUSSELL FOY,

Defendant.

CASE NO. CR06-0229RSM

ORDER OF CONTINUANCE

The Court having reviewed the stipulated motion by the United States and defendant BRIAN RUSSELL FOY to continue the trial date, and having reviewed the records and files herein, makes the following findings and enters the following order:

The Court finds that pursuant to 18 U.S.C. §3161(h)(8)(A) and §3161(h)(8)(B)(i), (ii) and (iv), the ends of justice served by continuing the trial date from September 11, 2006, to November 6, 2006, outweigh the best interests of the public and Defendant in a speedy trial. This matter is complex due to the nature of the offense involved as well as potential mental health defenses and it is therefore unreasonable to expect defense counsel to adequately prepare for trial before September 11, 2006. Additionally, failure to grant the requested continuance would deny Defendant the time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice.

1 IT IS HEREBY ORDERED that trial in this matter is continued from
2 September 11, 2006, to November 6, 2006, at 9:30 a.m. Defendant shall file a waiver of
3 speedy trial no later than September 11, 2006.

4 IT IS FURTHER ORDERED that, for purposes of computing the time limitations
5 imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-3164, the period of delay from
6 September 11, 2006, up to and including November 6, 2006, is excludable time pursuant
7 to 18 U.S.C. § 3161(h)(8)(B)(iv).

8 DATED this 6 day of September, 2006.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE

13 Presented by:

14 /s Jill Otake
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